

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

**APPELLATE DIVISION**

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In the Matter of the Estate of, )	
RUTH E. STEPHENS, Deceased, )	<b>D.C. CIV. APP. NO. 93-191</b>
)	<b>T.C. PROBATE NO. 117-88</b>
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)	
)	

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On Appeal from the Territorial Court of the Virgin Islands  
Considered: June 15, 1994  
Filed: June 16, 1994

**BEFORE:** **THOMAS K. MOORE**, Chief Judge, District Court of the Virgin Islands; **STANLEY S. BROTMAN**, Senior Judge of the United States District Court for the District of New Jersey, Sitting by Designation; and **MARIA M. CABRET**, Judge of the Territorial Court of the Virgin Islands, St. Croix Division, Virgin Islands, Sitting by Designation.

**APPEARANCES:**

Nancy D'Anna, Esq.  
P.O. Box 37  
St. John, V.I. 00831  
*Attorney for Appellant Estate of Marion Green*

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**JUDGMENT OF THE COURT**

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This matter is before the Court on appeal from the Territorial Court of the Virgin Islands, having been submitted on appellant's brief without oral argument. Appellant challenges

the Territorial Court's interpretation of the will that prohibited appellant from taking the bequest of land; its failure to apply the doctrine of impossibility of performance to excuse or waive of conditions of performance; its failure to hold an evidentiary hearing on the issue of whether appellant substantially performed the conditions outlined in the will; and its determination that appellant did not substantially perform the conditions outlined in the will. After due consideration,

**IT IS** on this 16th day of June, 1994, hereby **ORDERED AND ADJUDGED** that the judgment of the Territorial Court is **AFFIRMED**.

**FOR THE COURT:**

\_\_\_\_\_/s/\_\_\_\_\_  
**THOMAS K. MOORE, CHIEF JUDGE**  
DISTRICT COURT OF THE VIRGIN ISLANDS

A T T E S T:  
ORINN F. ARNOLD  
Clerk of the Court

BY: \_\_\_\_\_  
Deputy Clerk

Copies to:

Nancy D'Anna, Esq.  
Lloyd De Vos, Esq.

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